



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,901	10/21/2005	Kentaro Saito	MAT-8768US	9942
52473	7590	02/18/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER BAIG, SAHAR A	
			ART UNIT 2424	PAPER NUMBER
			MAIL DATE 02/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,901	<b>Applicant(s)</b> SAITO ET AL.	
	<b>Examiner</b> SAHAR A. BAIG	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. US Patent No. 7,047,550 in view of Klarfeld et al. US Patent Publication No. 2003/0067554 in further view of Horiuchi et al. US Patent Publication No. 2003/0061618.

Regarding Claim 1 and 5, Yasukawa discloses a program information display device, comprising: program information storing means **[Figure 1 step 1]**;  
program information processing means **[Figure 1 step 2]**;  
program information display means **[Figure 1 step 4]**; and  
attribute input means**[Figure 1 step 3]**.

Yasukawa fails to explicitly teach the limitation for displaying a scatter diagram by plotting two arbitrary attributes selected by the viewer from at least two attributes relating to a program on the X-axis and Y-axis, and disposing the program

information at a position conforming to the related value about the X-axis attribute 103 and the related value about the Y- axis attribute. In an analogous art Klarfeld teaches the use of a scatter plot that shows the relationship between two correlated traits **[Figure 8]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Yasukawa and Klarfeld to produce an EPG with a scatter plot for the viewing convenience of the consumer. Still the combined teachings of Yasukawa and Klarfeld fail to explicitly teach the limitation wherein the related value numerically expresses the degree of relation about at least one program information and at least two attributes of program information. In an analogous art, Horiuchi teaches a system for generating a list of suggested scheduled television programs wherein television schedule guide data comprises characteristics of scheduled program and relevancy of those characteristics **[0037]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Yasukawa, Klarfeld and Horiuchi for the benefit of displaying program guide information more efficiently to the consumer.

Regarding Claim 2 and 4, Yasukawa discloses a device wherein the program information display means displays icons and thumbnails, in addition to the program information, in the scatter diagram disposed at a position conforming to the related value about the X-axis and the related value about the Y-axis of the control information **[Col. 11 Lines 26-32]**.

Regarding Claim 3, Yasukawa discloses a display device wherein the attribute is information about program, and this information includes channel, on-air time, genre, and viewing rate **[Col. 10 lines 4-20]**.

Regarding Claim 6 and 11, all the limitations are met as stated above except the limitation involving three attributes instead of two (as claimed in claim 1). In **Fig. 21B**, Yasukawa shows an information display device capable of displaying three attributes plotted in the scatter diagram. In **Fig. 20**, Yasukawa shows the steps necessary to achieve the display.

4. Claims 7-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. US Patent No. 7,047,550 in view of Klarfeld et al. US Patent Publication No. 2003/0067554 in further view of Horiuchi et al. US Patent Publication No. 2003/0061618 in further view of Wang et al. U.S. Patent No. 7,380,262.

Regarding Claim 7 and 8, the combined system of Yasukawa Yasukawa, Klarfeld, Horiuchi, disclose all of the limitations except for the judging means acquiring the system information. In an analogous art, Wang discloses a system wherein the program information number judging means acquires program information from the program information processing means, judges the number of program information items, and sends the judged result to the program

information processing means, and the program information processing means acquires the judged result from the program information number judging means, determines the information quantity of program information to be sent to the program information display means on the basis of the judged result, and thereby changes the information quantity displaying the program information depending on the number of program information items displayed in the scatter diagram **[Col 1 lines 59-66]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the above references to devise an EPG that facilitates decision making for the user.

5. Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. US Patent No. 7,047,550 in view of Klarfeld et al. US Patent Publication No. 2003/0067554 in further view of Horiuchi et al. US Patent Publication No. 2003/0061618 in further view of Matey U.S. Patent Publication No. 2001/0049823.

Regarding Claims 9 and 10, the combined system of Yasukawa Yasukawa, Klarfeld, Horiuchi, disclose all of the limitations except the character display size setting means. In an analogous art, Matey discloses an EPG system wherein a user can adjust the display of the EPG on the display screen in different font sizes, or colors etc. **[0012]**. Therefore, it would have been obvious to include this feature at the time the invention was made for the benefit of facilitating better viewing of the guide data.

Art Unit: 2424

6. Claims 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. US Patent No. 7,047,550 in view of Klarfeld et al. US Patent Publication No. 2003/0067554 in further view of Horiuchi et al. US Patent Publication No. 2003/0061618 in further view of Bentolila U.S. Patent Publication No. 2003/0101451.

Regarding Claim 12 and 13, the combined system of Yasukawa, Klarfeld, Horiuchi, meet all of the limitations except the use of virtual channels in the EPG. In an analogous art, Bentolila discloses a system wherein virtual channels are automatically created and are presented as a separate channel in an electronic programming guide (EPG) **[0055]**. Bentolila also shows that the programs and showing times are placed as the user would more like it satisfying the claim that the channel assigning means determines the virtual channel to be assigned in the ascending order or the descending order from the program information **[0459]**. Therefore, it would have been obvious to include virtual channels in the EPG display as claimed for the benefit of letting the user decide which program to view.

Regarding Claims 14-18, Official Notice is taken on the limitations wherein the combination of program information and assigned virtual channels (EPG data) is maintained for a specific time period/or until the power is cut off / or until the program corresponding to the program information is terminated.

Fig 29 of Yasukawa shows Memory means 30 capable of storing the information for a specific time period. It is well known in the art that volatile memory means can only store data until the power is terminated. As for maintaining the program guide information until the program corresponding to the program information is terminated, all EPGs are capable of displaying information about programs that are going to commence immediately and not the programs that just ended broadcasting.

Regarding claim 19, the combined system of Yasukawa, Klarfeld, Horiuchi, and Bentolila disclose that it is possible to have included the use of virtual channels in the claimed invention's EPG. It is well known in the art that, in an EPG, a program is displayed for viewing on the display screen once the user has selected it. Therefore it would have been obvious at the time the invention was made to include a virtual channel that could have been selected for viewing once the user specified it for viewing preference.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/

Application/Control Number: 10/553,901  
Art Unit: 2424

Page 9

Supervisory Patent Examiner, Art  
Unit 2424

SB